

April 28, 2011

Mr. Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:05 p.m. He read the Sunshine Statement.

Members Present: Ms. McBride, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen,
Mr. Ryland, Mr. Taibi, Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Bischoff, Mr. Walchuk

Others Present: Atty. Mark Anderson, Robert Clerico, Carl Hintz, Atty. Donald Morrow,
Robert Zederbaum, Lisa Franz, Wayne Schmied

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Approval of Minutes: Mr. Ford made a motion to approve the minutes of the February 24, 2011 meeting. Mr. Nace seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mrs. Corcoran made a motion to approve the minutes of the March 10, 2011 workshop.
Mr. Ryland seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Ford made a motion to approve the minutes of the March 10, 2011 Executive Session. Mrs. Corcoran seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Ford made a motion to approve the minutes of the March 24, 2011 meeting. Mr. Badenhausen seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Ms. McBride left after the above actions.

Issue of Completeness: Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West: Mr. Kirkpatrick asked Board professionals for any comments or recommendations. Mr. Clerico said that essentially Pilot is asking the Board to approve modifications to the conditions of approval that relate to the Anti-Idling Plan. Mr. Ford noted that Pilot is asking for relief from two conditions. Both pertain to the Anti-Idling Plan. Mr. Taibi mentioned the stated purpose was to reduce and eliminate unnecessary idling. He said the plan was to eliminate, not reduce unnecessary idling. Mr. Kirkpatrick said he would like Pilot to show the impact on the environment if relief was granted. Atty. Anderson said it would be reasonable for the Board to ask for information about the environmental impact if the conditions were modified. Mr. Kirkpatrick asked for a motion to deem the application incomplete.

Mrs. Corcoran made a motion to deem the application incomplete, based on the fact that Pilot has not supplied information regarding the impact on the environment, including air quality and ecological issues. Mr. Kastrud seconded the motion. Mr. Kirkpatrick wanted the motion to state that Pilot has not provided proof that they cannot comply with the condition.

Vote: Ayes: Mrs. Corcoran, Mr. Kastrud, Mr. Nace, Mr. Badenhausen, Mr. Ryland, Mr. Taibi, Mr. Ford, Mr. Kirkpatrick

Concept Plan: Lehigh Gas/Jutland Convenience Store: Block 13, Lot 11.01

169 Perryville Road: Atty. Donald Morrow was present on behalf of applicant. Mr. Morrow understood that a Public Hearing had been held and was adjourned. Township Engineer Clerico and Planner Hintz had since met with applicant's Engineer Zederbaum. Mr. Zederbaum gave an overview of the concept plan. He said the new plan has only one driveway accessing Perryville Road. Mr. Zederbaum also said applicant is no longer proposing banked parking. The ten spaces will be installed as part of the concept plan. There will be four designated employee parking spaces over the existing fuel storage tanks. Parking in the area of the access from Frontage Road has been eliminated. The handicapped parking space has been relocated next to the building. A convenience parking space is proposed next to the handicapped space. A second exit is proposed. Employees will also use that exit for accessing the dumpster. There will be two bathrooms. A unisex bathroom had originally been proposed. Mr. Clerico said pavement is being reduced by over 1,900 square feet. The original plan proposed a reduction of about 265 s.f. Vegetative strips are proposed on both sides of the driveway. Surface water will filter through the strips prior to entering the State and County drainage systems, thus removing some of the total suspended solids.

Mr. Zederbaum said there would be a full pavement overlay. The new plan has a striped loading area to the east of the building. An alteration to the curb line north of the existing canopy would allow for a passing lane that will eliminate stacking problems on the site. The propane tank area is fenced in. It is proposed that the dumpster area would not be relocated. Applicant requests that the propane tank and dumpster area remain in their existing location. An addition to the building is proposed to allow placement of the coolers. The approved septic system would remain as per the original plans. Mr. Zederbaum said the proposal would be an improvement to the site. Mr. Nace asked about the used oil space behind the building that is shown on the plan. Mr. Zederbaum said used oil would not be a part of the plan. Mr. Ford noted that the air conditioning unit is in that area. Where would that be moved? Mr. Zederbaum said it would probably be on the roof. Mr. Ford asked what the new roof would look like. Ms. Franz said it would be elevated. Mr. Zederbaum said, therefore, the air conditioning unit could not be on the roof. He also said the architect would have to make some changes. Mr. Ford asked that the building be more attractive from the County Road.

Mr. Ford asked about lighting of the building and the canopy. Mr. Zederbaum said lighting would be changed. Mr. Ford asked about the dash line that parallels Perryville Road. Mr. Zederbaum said that shows additional right-of-way that would be dedicated to the County. Mr. Zederbaum said applicant had been requested to consider providing tertiary treatment of the septic system because of the proximity to wetlands. Mr. Zederbaum said applicant meets all regulations and would be generating less sewage than a residential dwelling. He does not feel the treatment is warranted and would like the Board to reconsider the request. Mr. Zederbaum said it was mentioned that applicant would provide water metering. He did not consider that necessary because of the low volume of water usage.

Mrs. Corcoran asked if a refueling truck would block vehicles entering and exiting. Mr. Zederbaum said "No". There would be more room on the site than presently exists. He also said refueling trucks would not be coming to the site at peak time usage. Mr. Taibi asked the age of the fuel tanks. Mr. Zederbaum said probably ten to twelve years. Mr. Taibi asked the tanks life expectancy. Mr. Zederbaum and Ms. Franz said approximately twenty-five to thirty years. The tanks are made of fiberglass. Mr. Taibi noted that half of the life span was consumed. He thought applicant should relocate the tanks to the western border of the site. Mr. Zederbaum said relocating the tanks would result in additional environmental disturbance. Atty. Morrow said his client would not be willing to move the tanks. Mr. Taibi asked if owner would consider dropping fuel in midnight hours only. Atty. Morrow said he would not want to impose on his client obligations that other service stations do not have. He emphasized that applicant proposes making many improvements to the site and cannot do everything. Mr. Taibi asked that applicant provide information on the date of installation of the tanks. Mr. Zederbaum said that information would be provided, as well as manufacturer's data on the life span.

Mr. Kirkpatrick said the Board has obvious concerns about circulation when fuel trucks are loading and applicant has concerns about the cost of relocating the tanks, as well as the potential environmental impact of the move. He said applicant should present details on moving or not moving the tanks during the Public Hearing. Mr. Clerico emphasized the importance of apprising the Board of how refueling trucks would circulate and park at the site. Mrs. Corcoran asked the proposed location of the second door. Mr. Zederbaum said it would be on the westerly side. Mr. Hintz said there is an existing sidewalk along Perryville and Frontage Roads and with the new design there appears to be a missing link. Mr. Zederbaum said that would be addressed as part of the proposed driveway closing. Mr. Hintz also said there are issues with lighting. Mr. Zederbaum said that would be addressed if applicant proceeds with proposal. Mr. Ryland mentioned the manner in which tractor-trailers park at the site. Mr. Zederbaum said a work crew had been sent out at peak hour to observe traffic. He said two trucks were observed and they were customers of the Bagelsmith. Atty. Morrow said that was a legal issue. No parking signs could be installed. The State Police could be called about violators. Mr. Ford asked the long and short-term plan for controlling deterioration and litter. Mr. Zederbaum said garbage cans would be placed throughout the site and the staff would have to monitor.

Regarding long-term plans, Mr. Zederbaum said his client would present testimony at the Hearing. Mr. Zederbaum said the dumpsters would be fenced. Mr. Kastrud asked if the access proposal had been discussed with Hunterdon County. Mr. Zederbaum said that had not been done. Mr. Kastrud asked about the sidewalks along Perryville and Frontage Roads. Do they lead to an access point? Mr. Zederbaum indicated they do not. A comment was made as to why the sidewalks should be left. Mrs. Corcoran suggested that the sidewalks be removed from the proposal. Board members concurred with her.

The proposed store would be open twenty-four hours a day.

Mr. Nace asked about relocating the ten parking spots further to the east. The relocation would alleviate a bottleneck at the site. Mr. Zederbaum said that could be done. The proposed location was to minimize impervious surface coverage. Mr. Ford said moving the tanks to the other side of the lot was more appealing to him. Mr. Zederbaum said the Board would make a decision on that matter. Applicant indicated they would not move the tanks. Mr. Kastrud asked if the formal plans would show variances requested, including those for pre-existing non-conforming conditions. Atty. Anderson said applicant would be required to show them. Mr. Zederbaum thought the original plans provided that information. Mr. Nace asked if the six-foot sidewalk in front of the building would be safe for wheelchair users since guardrails are not proposed. Mr. Zederbaum said it meets ADA requirements.

Regarding the traffic study, Mr. Zederbaum said a new or revised report should be forthcoming. Mr. Kirkpatrick asked if the report would include verification against applicant's predictions. Mr. Zederbaum thought the study would include information the Board requested.

Mr. Kirkpatrick commented favorably on the proposal to eliminate the third driveway. He thought applicant should look closer into devices that are available to further reduce nitrates in wastewater. Mr. Zederbaum said applicant would be asking the Board to reconsider that suggestion. Mr. Zederbaum thanked the Board for their direction.

Atty. Morrow requested that the Board bifurcate the application. The Board could hear the variance request and decide whether or not to grant the variance and a condition of approval would be that a site plan also be approved. Mr. Kirkpatrick said it has been his experience that the decision to grant the variance is closely tied to the site plan and it is difficult to separate the two applications. Atty. Anderson said if the Board is not satisfied that it has sufficient information to grant the variance, particularly to overcome negative criteria because it does not have enough site plan information, it would not get to the site plan process. Mr. Anderson emphasized that applicant can submit a bifurcated application. He said this application appears to be very site-plan specific and the Board Chairman's comments were well taken. Atty. Morrow thanked Atty. Anderson and Mr. Kirkpatrick for their comments.

Comments from the Public: Wayne Schmied, Bagelsmith Owner, voiced his concern about the Jutland Convenience Store application. Mr. Schmied said he has been in business for twenty-eight years and has a good understanding of happenings at the Exit 12 intersection. He gave an overview of traffic at the site and asked that the Board vote the application down. Mr. Kirkpatrick emphasized that the plan proposed tonight was a concept. Atty. Anderson told Mr. Schmied if he wanted his comments to be recorded and considered by the Board they would have to be made at the Public Hearing. Mr. Kirkpatrick said Notice of the Public Hearing would be required and property owners within two-hundred feet of subject property would be notified. Mr. Schmied thanked the Board for their time.

Motion to Adjourn: There being no further business to come before the Board Mr. Nace made a motion to adjourn. Mr. Kastrud seconded the motion. (8:30 p.m.)
Vote: All Ayes .

Grace A. Kocher, Secretary